

<p style="text-align: center;"><b>SECTION 2.2-2</b> <b>Handling and Disposition of Garbage, Trash and Rubbish</b></p>
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**2.2-2.1** It shall be in violation of this Ordinance for any person or persons to throw, place, or deposit any trash, garbage, rubbish, ashes, refuse, or other foreign substance(s) upon a sidewalk, crosswalk, avenue, street, lane, alley, park, or other public place within the Town or upon any property owned by the Town except as provided in Section 2.2-2.5(d) hereof.

**2.2-2.2** Concerning the handling and disposition of garbage, trash, and rubbish the following rules and regulations shall apply:

- a. The owner or occupier of a garbage collection unit shall place all trash and rubbish along the curb in front of such lot or other designated areas in order that it may be conveniently removed by the collector thereof by 7:00 a.m.
- b. All trash and rubbish shall be contained in individual containers and each of a capacity not exceeding 35 gallons or 50 pounds in weight. The containers shall have tight fitting lids. Alternatively, owners or occupiers of a garbage collection unit may use plastic trash liners which are tightly secured having capacity not to exceed 35 gallons or 50 pounds in weight. Any trash or rubbish which has not been properly placed in containers as provided by this Ordinance shall not be accepted by the collectors and it shall be the duty of the person responsible to immediately remove the loose trash and rubbish from the curb. At no time will trash and rubbish be placed in cardboard boxes, paper, or plastic bags on the curb for collection. All such bags shall be placed in proper containers as described in this section.
- c. All trash, rubbish, or garbage containers shall be placed on the curb line or edge of pavement not earlier than 7:00 p.m. proceeding the day of collection. All empty trash, rubbish, or garbage containers shall be removed by the owner by 7:00 a.m. on the date after the collection is scheduled.

- d. No person shall dispose of any garbage by throwing or placing it upon any lot within the confines of the Town including buildings or vehicles.
- e. All public waste containers placed by the municipal corporation along any of the avenues, streets, alleys, and sidewalks of the Town shall be used by the members of the general public as the place or places of disposal of waste paper and material accumulated by members of the general public, aforesaid, while using the public ways of the Town, aforesaid, to this end, no person engaged in business either as owner, manager, operator, employers, or other capacity and no person residing in any dwelling either as owner, tenant, employee, or guest shall dispose of or place any garbage, trash, or rubbish in any public waste container of the Town.
- f. No person shall put, place, or throw any garbage, trash, or rubbish collected or gathered from outside the Town limits of Clayton or any premises not paying or garbage collection on any lot or premises in the Town of Clayton.
- g. Construction material and automotive parts are not considered household garbage and will not be collected.
- h. For extra items such as appliances and rubbish from attics, garages, and basements residents must contact the Town Office during the regular hours (8:00 a.m. to noon and 1:00 p.m. to 4:30 p.m.) to arrange for special collection. The fee for collection of extra items shall be determined by the company providing garbage collection service to the Town of Clayton.
- i. No garbage shall accumulate more than seven (7) days. Any garbage allowed to accumulate more than seven (7) days will not be collected.
- j. Bulk items such as cardboard, carpet, newspaper, etc. must be bundled and tied for collection. Igloos are available and encouraged for many of these items. Refrigerators shall have the doors and chlorofluorocarbons (CFCs) removed and a certificate of removal from a certified CFC recovery technician must be provided.

### **2.2-2.3 Definitions**

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- a. Town Council shall mean the group of elected officials acting as governing body for the Town of Clayton.
- b. Person shall mean an individual, group of persons, firm, company, association, society, corporation, or any person or entity reflected on the tax rolls.
- c. Shall is mandatory; May is permissible.
- d. Garbage Collection Units shall include any lot or dwelling intended for farm, commercial, or residential use.

### **2.2-2.4 Yard and Garden Collection**

- a. Yard waste will be collected on Monday and Thursday.
- b. Yard waste will not be collected with normal garbage collection.
- c. No trash or garbage will be permitted in yard waste.
- d. All grass clippings must be in individual containers with lids with a capacity not exceeding 50 pounds or 35 gallons.
- e. Only limbs from normal trimming by homeowner will be collected.

### **2.2-2.5 Fees**

- a. There shall be assessed against each and every dwelling unit in the Town of Clayton a trash collection fee as determined by the Town Council subject to periodic adjustment by Council. The trash fee is to be assessed in equal monthly installments to be billed in connection with the utility bill submitted to each person or business receiving such services. The charges herein fixed shall be payable and billed monthly on the first day of each month.

- b. For commercial garbage, collection unit fees shall be set by the Town Foreman with approval by the Town Council.
- c. This section does not apply to the following uses:
  - (1) Churches
  - (2) Senior Centers
  - (3) Fire Department
  - (4) VFW
  - (5) Use by any person, business, or other organization which has a dumpster or other commercial container for the exclusive pick up of garbage, trash, and rubbish that is picked up by another entity. If such person, business, or other organization puts garbage, trash, or rubbish out for pick up by the Town of Clayton, said entity will be charged in accordance with the provisions of this Ordinance. Such entity must notify the Town Office within thirty (30) days of such use.
  - (6) Any person, business, or other organization which heretofore has been offered the service of garbage collection within the last six (6) months.
  - (7) Any commercial collection units with over twelve (12) containers shall require a commercial hauler licensed by the Delaware Solid Waste Authority.
- d. Upon failure to pay the aforementioned trash assessment, the Municipal Clerk shall notify the owner of the real estate underlying the delinquent unit of such delinquency; and for so long as the assessment shall remain unpaid, a lien shall attach to the real estate underlying the delinquent unit.

**2.2-2-6** Any person violating any provision of this Ordinance will be subject to a fine of \$50.00 for the first offense and \$100.00 for each subsequent offense.

#### **2.2-2.7 Severability**

If any of the provisions of this Ordinance or of the application of any provision thereof shall be held invalid, such invalidity shall not affect the remainder of said Ordinance it being the intention of this Council that such remainder shall be and remain in full force and effect.